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10 AARON DEQUAN WIGGINS

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 AARON DEQUAN WIGGINS

14 PLAINTIFF,

15 v.

16 COUNTY OF RIVERSIDE, a
17 municipal entity; SHERIFF CHAD
18 BIANCO, an individual; and DOES 1-
19 10, inclusive,

20 DEFENDANTS.

21 Case No: 5:24-cv-02405

22 **PLAINTIFF'S COMPLAINT
23 FOR DAMAGES**

1. **Deliberate Indifference to
24 Serious Medical Condition (42
U.S.C. § 1983)**
2. **Municipal Liability for
25 Unconstitutional Custom or
Practice (42 U.S.C. § 1983)**
3. **Violation of the Bane Civil
26 Rights Act (Cal. Civ. Code §
52.1)**
4. **Intentional Infliction of
27 Emotional Distress**
5. **Negligence; and**
6. **Negligent Hiring, Supervision,
28 Retention, and Training**

29 **DEMAND FOR JURY TRIAL**

31 **PLAINTIFF COMPLAINT FOR DAMAGES**

1 PLAINTIFF AARON DEQUAN WIGGINS (hereinafter “Mr. Wiggins” or
2 “Plaintiff”) respectfully submits this COMPLAINT for damages against
3 Defendants COUNTY OF RIVERSIDE (hereinafter “COUNTY”), SHERIFF
4 CHAD BIANCO (hereinafter “BIANCO”), and DOES 1-10 (hereinafter
5 collectively “DEFENDANTS”), inclusive, alleges as follows:

6 **NATURE OF ACTION**

7 1. This is a civil lawsuit brought by Plaintiff, Mr. Wiggins, who was a
8 victim of cruel and unusual punishment, while in the care and custody of Larry D
9 Smith Correctional Facility Banning and Riverside County Sheriff’s Department,
10 inadequate training, hiring, retention, and discipline for the subject correctional
11 deputies and jail staff, as part of a custom and practice and a disregard for human
12 life and individuals’ health and safety practiced by Defendants COUNTY,
13 SHERIFF BIANCO, DOES 1-5, and Supervisor DOES 6-10. This claim is also
14 brought against Defendants COUNTY, SHERIFF BIANCO, and Supervisor DOES
15 6-10 for ratifying, encouraging, and/or supporting the illegal and/or wrongful
16 conduct of Defendants DOES 1-5, and for Defendants COUNTY, SHERIFF
17 BIANCO, and Supervisor DOES 6-10 complete failure to adequately train or
18 otherwise prevent their correctional deputies, medical personnel, jail staff,
19 employees and/or agents from committing illegal acts and abusing their inherent
20 powers as officers of the law.

21 2. On or around December 22, 2023, Mr. Wiggins, whose medical
22 records indicate a history of seizures, was incarcerated and in the care of Larry D
23 Smith Correctional Facility Banning and Riverside County Sheriff’s Department,
24 when he fell from his assigned top bunk bed after displaying “seizure like” activity,
25 hitting his head on the concrete on the ground. Mr. Wiggins was nearly paralyzed
26 and suffered serious injuries, including but not limited to, head trauma, laceration,
27 skull fracture, neck fracture, possible cervical fracture, brain injury, and balance
28 problem.

1 3. Defendants DOES 1-5, Larry D Smith Correctional Facility Banning
2 and Riverside County Sheriff's Department personnel were aware of Mr. Wiggins'
3 history of seizures as upon arrival at the jail facility, Mr. Wiggins informed the jail
4 facility's medical personnel and Defendants DOES 1-5, on several occasions, that
5 he had a history of seizures, and that if he was assigned to a top bunk bed, he could
6 fall and suffer injuries. Although Mr. Wiggins repeatedly requested to be assigned
7 to a bottom bunk bed, his requests were ignored. Notwithstanding the knowledge
8 that Mr. Wiggins' condition warranted his placement on a bottom bunk bed,
9 Defendants DOES 1-5 assigned Mr. Wiggins to a top bunk, where he could easily,
10 and in fact did, suffer serious injuries from a seizure related fall.

11 4. Mr. Wiggins brings this action for damages against the Defendants for
12 Defendants' violations of his civil rights, including Deliberate Indifference to
13 Serious Medical Condition in Violation of Eighth Amendment of the United States
14 Constitution (42 U.S.C. § 1983), Municipal Liability for Unconstitutional Custom
15 or Practice (42 U.S.C. § 1983), Violation of the Bane Civil Rights Act (Cal. Civ.
16 Code § 52.1), Intentional Infliction of Emotional Distress, Negligence, and
17 Negligent Hiring, Supervision, Retention and Training.

18 5. Defendants DOES 1-5 are directly liable for Plaintiff's injuries under
19 federal law pursuant to 42 U.S.C. § 1983 and under state law pursuant to California
20 Government Code § 820.

21 6. Defendants DOES 6-10 proximately caused Plaintiff's injuries by
22 integrally participating or failing to intervene in the constitutional violations that
23 resulted in Plaintiff's injuries. Defendants DOES 6-10 are directly liable for
24 Plaintiff's injuries under federal law pursuant to 42 U.S.C. § 1983.

25 7. Defendants COUNTY, SHERIFF BIANCO, and DOES 6-10 also
26 approximately caused Plaintiff's injuries and are liable under state law pursuant to
27 California Government Code §§ 815.2 and 820 and under principles set forth in
28 *Monell v. Department of Social Services*, 436 U.S. 658 (1978) and by ratifying the

1 unconstitutional actions of DOES 1-5 and/or maintaining a policy or custom that is
2 the “moving force” behind the unconstitutional deprivations alleged below.

3 8. The policies and customs of deliberate indifference to inmates'
4 medical condition, including Plaintiff's, failure to provide timely medical care,
5 mismanagement of medications, and subjecting inmates, such as Plaintiff, to cruel
6 and unusual punishment while in the custody and care of Riverside County Sheriff's
7 Department are fundamentally unconstitutional.

PARTIES AND THEIR AGENTS

9 9. Plaintiff, Mr. Wiggins, is and was, at all times relevant to this action,
10 a resident of the County of Riverside, State of California.

11 10. Defendant **COUNTY** is a public entity, duly organized and existing
12 under the laws of the State of California. Under its authority, Defendant **COUNTY**
13 operates and manages Larry D Smith Correctional Facility Banning and Riverside
14 County Sheriff's Department and is and was at all relevant times mentioned herein
15 responsible for the actions and/or inactions and the policies, procedures, and
16 practices/customs of the Riverside County Sheriff's Department and Larry D Smith
17 Correctional Facility Banning, and each entity's respective employees and/or
18 agents. Riverside County Sheriff's Department operates Larry D Smith
19 Correctional Facility Banning and is and was responsible for ensuring the provision
20 of medical and housing accommodations for inmates.

21 11. Defendant **CHAD BIANCO** is, and was at all relevant times
22 mentioned herein, the Sheriff of the County of Riverside, the highest position in the
23 Riverside County Sheriff's Department. As Sheriff, Defendant BIANCO is and was
24 responsible for the hiring, screening, training, retention, supervision, discipline,
25 counseling, and control of all Riverside County Sheriff's Department custodial
26 employees and/or agents and DOES 1 through 10. Defendant BIANCO is and was
27 charged by law with the administration of the Riverside County Jail. As a matter of
28 law, Defendant BIANCO is answerable for the safekeeping of the inmates in all

1 Riverside County Jails, including Larry D Smith Correctional Facility Banning, and
2 is further responsible for matters relating to the selection, supervision, promotion,
3 training and discipline of the Riverside County jails, including DOES 1-10
4 discussed herein who interpret and apply the jails' inmate housing policy.
5 Defendant BIANCO also is and was responsible for the promulgation of the policies
6 and procedures and allowance of the practices/customs pursuant to which the acts
7 of the Riverside County Sheriff's Department alleged herein were committed.
8 While others may occasionally assist Defendant BIANCO with his responsibilities,
9 a Sheriff cannot delegate or abdicate his ultimate supervisory duty to take charge of
10 and be the sole exclusive authority for ensuring the well-being of the jail and
11 detainees within. Defendant BIANCO is being sued in his individual capacity.

12 12. Defendants **DOES 1-5** (DOES 1-5), on information and belief, are and
13 were, at all times relevant to this action, individuals living in the County of
14 Riverside, State of California. Plaintiff is informed and believes, and thereon
15 alleges, that at all relevant times, DOES 1-5 were duly authorized peace and/or
16 correctional officers/deputies, medical personnel, agents, servants, and employees
17 of Defendant COUNTY and/or Riverside County Sheriffs' Department and were
18 acting within the course and scope of their respective duties as correctional officers
19 and with complete authority and ratification of their principal Defendant COUNTY.
20 Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
21 DOES 1-5, inclusive, and therefore sue these Defendants by such fictitious names.
22 Plaintiff will amend this Complaint to allege their true names and capacities when
23 ascertained. As such, the individual DOE Defendants are sued in both their
24 individual and official capacities.

25 13. Defendants **Supervisor DOES 6-10** ("DOES 6-10" or
26 "SUPERVISOR DOES"), on information and belief, are and were, at all times
27 relevant to this action, individuals living in the County of Riverside, State of
28 California. At all relevant times, DOES 6-10 were duly authorized peace and/or

1 correctional officers, supervisors of peace and/or correctional officers, agents,
2 servants, and employees of Defendant COUNTY and/or the Riverside County
3 Sheriffs' Department (RCSD) and were acting within the course and scope of their
4 respective duties as supervisors of peace and/or correctional officers and with
5 complete authority and ratification of their principal Defendant COUNTY. Plaintiff
6 is ignorant of the true names of DOES 6-10, and therefore sue them by such
7 fictitious names. Plaintiff will amend this Complaint to allege the true names and
8 capacities of DOES 6-10 when the same have been ascertained. Each of the
9 fictitious named DOES 6-10 are responsible in some manner for the conduct and
10 liabilities alleged herein.

11 14. Plaintiff is informed and believes, and thereupon alleges, that at all
12 times mentioned in this Complaint, Defendants were the agents, employees,
13 servants, joint venturers, partners and/or co-conspirators of the other Defendants
14 named in this Complaint and that at all times, each of the Defendants was acting
15 within the course and scope of said relationship with Defendants.

16 15. All Defendants who are natural persons, including DOES 1-10, are
17 sued individually and/or in his/her official capacity as officers, sergeants, captains,
18 commanders, supervisors, and/or civilian employees, agents, policy makers, and
19 representatives for the COUNTY.

20 16. Defendants are liable for Plaintiff's injuries under California law and
21 under the doctrine of *respondeat superior*. Liability under California law for public
22 entities and public employees is based upon California Government Code §§ 815.2
23 and 820 and under principles set forth in *Monell v. Department of Social Services*,
24 436 U.S. 658 (1978) and by ratifying the unconstitutional actions of the Unknown
25 DOE Defendants and/or maintaining a policy or custom that is the "moving force"
26 behind the unconstitutional deprivations alleged below.

27 17. At all times mentioned herein, each and every Defendant was the agent
28 of each and every other Defendant and had the legal duty to oversee and supervise

the hiring, conduct and employment of each and every DEFENDANT herein.

18. Plaintiff timely filed a government tort claim pursuant to California Civil Code § 910 with Defendant County of Riverside on June 4, 2024. On June 6, 2024, Defendant County of Riverside rejected Plaintiff's tort claim. Accordingly, Plaintiff has complied with the requirements of the California Government Claims Act.

JURISDICTION AND VENUE

19. This Court has subject matter jurisdiction over the Plaintiff's claims pursuant to 28 U.S.C. § 1331 (federal question). This Court has jurisdiction to issue declaratory or injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57.

20. Venue is proper in the Central District of California pursuant to 28 U.S.C. § 1391, as all DEFENDANTS and the events giving rise to the claims herein occurred in the Central District of California.

FACTUAL ALLEGATIONS

History of Inadequate Medical Care, Supervision, and Care in Jails

Operated by the Riverside County Sheriff's Department

21. The Riverside County Sheriff's Department has a policy and practice of deliberate indifference to inmates' serious medical conditions, failing to provide adequate medical care to inmates in their care, neglecting to maintain complete and accurate inmate records, condoning retaliation against inmates in jails, routinely failing to provide information on deputy misconduct to inmates who request it, obstructing misconduct investigations and falsifying reports to avoid accountability, failing to provide timely care and to administer appropriate medications, and deliberate indifference to the fact that their failure to do so subjects inmates to substantial risk of unnecessary suffering, serious injury and death.

111

1 22. The severe deficiencies in health care services in Riverside County's
2 jails are well established by admissions from its Sheriffs and reports from state and
3 county watchdogs and independent auditors. Defendant COUNTY has long been
4 aware of the harm its deficient system causes to inmates with serious health care
5 needs through these reports as well as numerous grievances and health needs
6 requests from prisoners. Defendant's failure to take action to ameliorate the
7 conditions constitutes deliberate indifference to inmates, including Plaintiff's
8 serious health care needs.

9 23. Several 2011 reports documented extensive health care violations in
10 the jails. The 2010-11 Grand Jury Report: Riverside County Detention Health Care
11 Administration found systemic failures in treatment, medication management,
12 record-keeping, and administration of forced medications, among other areas.¹ On
13 July 5, 2011, the Riverside County Sheriff's Department responded that it
14 "generally concurs with the findings of the Grand Jury and has been outspoken on
15 the need to remedy these issues over the last two years."²

16 24. Riverside County Sheriff's Department invited the state's Corrections
17 Standards Authority (CSA), a body with statutory duty to regularly inspect
18 COUNTY's facilities, to perform an additional inspection in January 2011. The
19 CSA found numerous violations of state law, including a widespread failure to
20 provide daily sick call and insufficient oversight of prisoners on suicide watch. They
21 also found serious deficits in medication administration: missed pill calls, night-
22 time medications administered between 4 and 6 p.m., and prisoners going to court
23 denied medications entirely.

24 25. At the CSA's recommendation, the Riverside County Sheriff's
25 Department contracted with the independent Inmate Medical Quality (IMQ) to
26 identify deficits and make recommendations. IMQ performed their evaluation May
27

28 ¹ [**2002-2003 GRAND JURY REPORT \(rivco.org\)**](http://2002-2003 GRAND JURY REPORT (rivco.org))

² [**11resp_rivcosheriff_mentalhealth_detentionserv.pdf**](http://11resp_rivcosheriff_mentalhealth_detentionserv.pdf)

1 2-5, 2011, and reported significant and potentially harmful systemic deficiencies in
2 staffing, screening, sick call, quality assurance, medical records, management of
3 communicable diseases, medication management, and use of restraints and safety
4 cells for suicidal or self-harming prisoners. As with both of the Grand Jury reports,
5 the department accepted these findings as requiring immediate and drastic attention.

6 26. The health care deficiencies in the Riverside jails, and Defendant
7 COUNTY's awareness of them, predate the 2011 reports and stem in part from
8 years of drastic cost-cutting measures. The County made deep cuts to medical
9 personnel staffing levels in fiscal year 2008-09, which unacceptably impacted the
10 delivery of medical services. . . and other jail operations. Instead of correcting the
11 problem, the County made another 20% reduction in medical and mental health care
12 staff as of July 1, 2010.

13 27. Since 2014, the County of Riverside Civilian Grand Jury has
14 investigated and published eight reports concerning the conduct, operations and
15 mismanagement of the Riverside Sheriff's Department.³ These reports have
16 recommended various reasonable changes, including that Corrections wash laundry
17 twice a week, back up video recordings inside the jail, revise their visitation
18 spaces/policies and go beyond minimum standards established by the Board of State
19 and Community Corrections (BSCC). In response, both Sheriff Sniff (2007-2018)
20 and Defendant SHERIFF BIANCO (2018- present) almost always refused to
21 implement the changes proposed by the Grand Jury.⁴ Riverside County Sheriff's
22 Department not only ignored recommendations from the County's oversight
23

24 ³ Civil Grand Jury Reports and Responses

25 <https://www.rivco.org/about-county/executive-office/reports-and-responses>

26 ⁴ For example, the 2017-2018 Grand Jury Report "Riverside County Sheriff's Department
27 Corrections Division Correctional Centers Inmate Services Issues" found a set of five
recommendations for Riverside County Sheriff's Department (RSD). In the response RSD only
agreed to one allegation to ensure there exists a backup of in-custody video recordings. This trend
however is common amongst Grand Jury Reports where the systemic problems usually
are denied by RSD and only agreeing to minuscule changes as outlined above.

1 agency, but it also refused to improve jail conditions even when mandated by a
2 federal court.

3 28. In 2015, Riverside County entered into a consent decree in a federal
4 lawsuit brought by the Prison Law Office on behalf of individuals incarcerated in
5 the County's jails.⁵ The court found that the County failed to provide minimally
6 adequate medical and mental health care to incarcerated people, in violation of the
7 Eighth and Fourteenth Amendments to the U.S. Constitution and the Americans
8 with Disabilities and Rehabilitation Acts. The consent decree ordered the County to
9 implement a remedial plan designed to raise the level of care in its jails to the
10 constitutional minimum.⁶

11 29. In April of 2020, COVID-19 hit the Riverside County jail system,
12 leading to one of the largest jail outbreaks in California.⁷ In addition to the county
13 jails' reputation for inhumane medical care, the jails were extremely crowded,
14 leading incarcerated people to fear for their lives.^{8,9,10} Seeing that Riverside County
15 Sheriff's Department (RDS) did not have a plan to protect incarcerated people from
16 the virus, the Prison Law Office filed an emergency motion in federal court to
17

18 ⁵ Grey v. Riverside, 2016, Case No. EDCV12-0444 VAP <https://prisonlaw.com/wp-content/uploads/2020/01/Gray-v-County-of-Riverside-Consent-Decree.pdf>

19 ⁶ Grey v. Riverside, 2016, Case No. EDCV12-0444 VAP

20 ⁷ Alene Tchekmedyan (April 23rd, 2020), Fateful choices as coronavirus raged through
21 Riverside jail, hitting deputies and inmates. Los Angeles Times

22 <https://www.latimes.com/california/story/2020-04-27/riverside-county-jails-coronavirus-outbreak>

23 ⁸ Christopher Damien (April 6th, 2020) Coronavirus stokes fear in crowded Riverside County
24 jails. The Desert Sun

25 <https://www.desertsun.com/story/news/crime/courts/2020/04/06/coronavirus-stokesfearcrowded-riverside-county-jails/5114175002/>

26 ⁹ Christopher Damien (April 10th, 2020) Coronavirus: Judge asked to make Riverside County
27 Sheriff's Dept. share plan to curb virus in jails. The Desert Sun
<https://www.desertsun.com/story/news/crime/courts/2020/04/10/coronavirus-judge-asked-make-sheriffs-department-share-its-plan-protect-inmates/2973669001/>

28 ¹⁰ Mike Ludwig (May 29, 2020) California Sheriff Refuses to Release People From Jail as COVID
Outbreak Rages. Truth Out Magazine <https://truthout.org/articles/california-sheriff-refuses-to-release-people-from-jail-as-covid-outbreak-rages/>

1 protect its class members from the novel coronavirus. The court granted the motion,
2 requiring RSD to develop a plan to safely house and care for all incarcerated
3 individuals who are at high risk for complications from COVID-19, to provide
4 adequate hygiene and cleaning supplies, and to address the mental health needs of
5 people in medical quarantine.¹¹ While RSD did develop a plan to prevent the spread
6 of COVID-19,¹² people incarcerated in Riverside County jails experienced
7 inhumane conditions, including, but not limited to, the denial of soap, cleaning
8 supplies, masks, clean clothes, phone access, regular showers, COVID-tests, and
9 life-saving medications and medical care.

10 30. On September 16, 2021, the ACLU Foundation of Southern California
11 (“ACLU”) wrote a letter to the Office of the Attorney General and requested an
12 investigation into the Riverside County Sheriff’s Department for its rampant deputy
13 violence, persistently inhumane jail conditions, and refusal to protect people in
14 county custody from COVID-19.¹³ In its letter, ACLU reiterated that for years,
15 County of Riverside Sheriff’s Department has demonstrated a pattern of racist
16 policing practices, rampant patrol and jail deaths, and a refusal to comply with
17 recommendations from oversight agencies and a court-mandated consent decree.
18 ACLU also provided testimonies from individuals held in Riverside County custody
19 and their loved ones about available mental and medical health care in the County’s
20 jails. Their stories demonstrate that the consent decree has been violated multiple
21 times by the RSD since its filing in 2015.¹⁴

22 31. Amid concerning levels of in-custody deaths and allegations of
23 misconduct by the Riverside County Sheriff’s Department, on or around February
24

25 ¹¹ Grey v. Riverside, 4/16/2020, Case No. EDCV12-0444 VAP <https://prisonlaw.com/wp-content/uploads/2020/04/20.04.15-Doc-193-Order-Granting-Plaintiffs-Motion.pdf>

26 ¹² Grey v. Riverside, 7/20/2020, Case No. EDCV12-0444 VAP <https://prisonlaw.com/wp-content/uploads/2020/07/20.07.20-No.-201-1-Proposed-order-on-COVID-19-plan-with-Exhibit-A.pdf>

27 ¹³ [Letter to AG Bonta - Investigation of RSD \(aclusocal.org\)](https://aclusocal.org)

28 ¹⁴ [ACLU SoCal NextCloud \(aclusocal.org\)](https://aclusocal.org)

1 23, 2023, California Attorney General Rob Bonta opened a civil rights investigation
2 into Riverside County Sheriff's Department.¹⁵ The investigation sought to
3 determine whether Riverside County Sheriff's Office (RCSO) had engaged in a
4 pattern or practice of unconstitutional policing amid deeply concerning allegations
5 relating to conditions of confinement in its jail facilities, excessive force, and other
6 misconduct. "All Californians deserve fairness and respect from the institutions that
7 serve them," said Attorney General Bonta. In response to the allegations, Riverside
8 County Sheriff Chad Bianco released a video statement¹⁶ Bianco called the patterns-
9 and-practices probe a "political stunt" out of Sacramento. "This investigation is
10 based on nothing but false and misleading statements and straight-out lies from
11 activists, including their attorneys," Bianco said. On information and belief, the
12 investigation is currently pending.

13 32. Against the backdrop of a civil rights investigation by Attorney
14 General Rob Bonta into Riverside County Sheriff, Chad Bianco and his department,
15 more than a half-dozen lawsuits were filed in U.S. District Court in Riverside
16 against Riverside County Sheriff's department in 2023. The lawsuits came after 18
17 inmates died in Riverside County jails in 2022, the most in one year since 12
18 inmates died in the county jail system back in 2005.¹⁷ According to the lawsuits, the
19 defendants "deliberately failed to take even modest actions to prevent in custody
20 deaths at the Riverside County correctional facilities." The lawsuits alleged several
21 federal charges against the county, including failure to protect from harm, failure to
22 provide medical care, supervisory liability causing constitutional violations and
23 negligence.

24 ///

25

26 ¹⁵ [Attorney General Bonta Launches Civil Rights Investigation into Riverside County](#)
27 [Sheriff's Office | State of California - Department of Justice - Office of the Attorney General](#)

28 ¹⁶ [Sheriff Bianco's Response to Frivolous Civil Rights Investigation by DOJ. \(youtube.com\)](#)

¹⁷ [Civil rights lawsuit filed against Riverside County, Sheriff Chad Bianco after record](#)
[number of deaths in jails - ABC7 Los Angeles](#)

1 33. In January of 2024, another lawsuit was filed against the Riverside
2 County Sheriff's Department following the suicide of 21-year-old inmate Alicia
3 Upton, who was residing in one of the county jails at the time. The lawsuit alleged
4 inadequate medical safety and the department's pattern of negligence with regards
5 to inmate care. In response to being sued, Defendant SHERIFF CHAD BIANCO
6 released a variety of statements claiming the suit "is nothing more than someone
7 wanting money" and saying the county is "responsible for a suicide is silly."

FACTS COMMON TO ALL CAUSES OF ACTION

9 34. On or around December 19, 2023, Mr. Wiggins was taken to Larry D
10 Smith Correctional Facility Banning by Riverside County Sheriff's Department.
11 Upon arrival at the Larry D Smith Correctional Facility Banning, and multiple times
12 thereafter, Mr. Wiggins informed the facility's medical personnel, correctional
13 deputies, and unknown DOES 1-5, on several occasions, that he had a history of
14 seizures, and that if he was assigned to a top bunk bed, he could fall and suffer
15 injuries.

16 35. Although Mr. Wiggins repeatedly requested to be assigned to a bottom
17 bunk bed, and his condition warranted his placement on a bottom bunk, unknown
18 DOES 1-5 assigned Mr. Wiggins to a top bunk, where he could easily, and in fact
19 did, suffer serious injuries from a seizure related fall.

36. Prior to being booked at Larry D Smith Correctional Facility Banning,
Mr. Wiggins had his seizure and blood pressure medications with him. As part of
the booking process, Mr. Wiggins' belongings, including said medications, were
taken away from him.

24 37. After the completion of his booking and as Mr. Wiggins and DOES 1-
25 5 were walking towards the cells, Mr. Wiggins informed DOES 1-5 that he could
26 not be assigned to a top bunk bed due to his medical condition, including history of
27 seizures and high blood pressure. DOES 1-5 did not respond to Mr. Wiggins and
28 ignored his request. DOES 1-5 then took Mr. Wiggins to a cell where there was

1 another individual who had already been assigned the bottom bunk bed. Mr.
2 Wiggins once again informed DOES 1-5 that he could not sleep on the top bunk
3 due to his history of seizures and asked DOES 1-5 to assign him to a cell where he
4 could sleep on the bottom bunk. Mr. Wiggins even pointed at a nearby cell where
5 there was only one bed and asked DOES 1-5 to let him stay in that cell where he
6 did not have to sleep on a top bunk bed.

7 38. DOES 1-5 ignored Mr. Wiggins request and left Mr. Wiggins in a cell
8 where he had to sleep on the top bunk bed. Based on information and belief, at the
9 time of the subject incident, the bunk beds in Larry D Smith Correctional Facility
10 Banning did not have any railings and/or guards which could prevent Mr. Wiggins,
11 who was 256 pounds at the time, from rolling off the bed. Additionally, the top bunk
12 bed to which Mr. Wiggins was assigned did not have a mattress. The other
13 individual who was assigned the bottom bunk bed called DOES 1-5 and asked for
14 a mattress for Mr. Wiggins. Mr. Wiggins once again asked DOES 1-5 to take him
15 to another cell where he could sleep on the bottom bunk bed and informed them of
16 his seizures and high blood pressure conditions. Mr. Wiggins also informed DOES
17 1-5 that he was feeling dizzy. All of Mr. Wiggins pleas were ignored.

18 39. The next day, Mr. Wiggins once again informed unknown DOES 1-5
19 of his high blood pressure and seizure condition and that he needed his seizure and
20 blood pressure medications. Mr. Wiggins was taken to the medical office. Mr.
21 Wiggins informed the jail medical personnel of his history of seizure and high blood
22 pressure condition and that he needed to have his seizures and blood pressure
23 medications with him at all times. The medical personnel checked Mr. Wiggins'
24 blood pressure and said, "but you are fine now." Mr. Wiggins informed the medical
25 personnel that he gets headaches and feels dizzy throughout the day and while in
26 his cell and he needed to always have his medications with him. Mr. Wiggins further
27 informed the medical personnel that he had not had his seizure and blood pressure
28 medications in the last 24 hours as his medications had been taken away from him at

1 the time of his booking.

2 40. The next day, at around nighttime, DOES 1-5 finally provided Mr.
3 Wiggins with seizures and blood pressure medications. After being prescribed with
4 the seizure medication, however, the unknown DOES 1-5 intentionally or recklessly
5 did not give Mr. Wiggins the correct medication dosage at the proper times, even
6 though Mr. Wiggins informed said deputies that he had been taking his seizure
7 medication for the last 20 years and that he was supposed to take two pills in the
8 morning and two pills at night. The unknown DOES 1-5, however, ignored Mr.
9 Wiggins' requests, did not give him the pills in the morning and continued to give
10 him six pills at night. At this point, Mr. Wiggins was afraid for his life as he was
11 not being given the correct dosage of his medication, which could have serious
12 effect on his health and life.

13 41. Additionally, while in his cell, Mr. Wiggins was scared to sleep at
14 nights because he was afraid of having a seizure while asleep and falling from his
15 assigned top bunk bed.

16 42. The fourth night (December 22, 2023) Mr. Wiggins was in the jail,
17 while sleeping in his cell, he displayed "seizure like" activity, and fell from his
18 assigned top bunk. When Mr. Wiggins fell from the top bunk, his head slammed
19 into the concrete floor of the cell, causing a skull fracture and profuse bleeding from
20 the head injury. Immediately following the fall, Mr. Wiggins tried to move his head,
21 back, and neck but was unable to do so. Mr. Wiggins was struggling to breath, was
22 in intense pain, in shock and disoriented. Mr. Wiggins' cell mate called deputies
23 DOES 1-5, informed them of Mr. Wiggins' injuries and asked for help.

24 43. Despite the severity of Mr. Wiggins' injuries, deputies DOES 1-5 did
25 not promptly summon medical assistance or call an ambulance. Based on
26 information and belief, it took DOES 1-5 ten minutes to come to Mr. Wiggins' aid,
27 despite the severity of his injuries and pleas for medical attention. When DOES 1-
28 5 arrived at the cell, they asked whether Mr. Wiggins and his cell mate had a fight,

1 to which they both responded no and explained that Mr. Wiggins fell from his
2 assigned top bunk due to having a seizure in his sleep.

3 44. Mr. Wiggins, falling in and out of consciousness, informed deputies
4 DOES 1-5 that he could not feel his head, back, and neck, and that he could not
5 breath. Mr. Wiggins felt he was paralyzed. Mr. Wiggins' hands were numb. Mr.
6 Wiggins felt helpless and very scared. DOES 1-5 then yanked Mr. Wiggins on his
7 stomach, which caused Mr. Wiggins to scream in pain, while begging them to call
8 911. Mr. Wiggins' entire body was hot, and he had chest pain. DOES 1-5 then asked
9 Mr. Wiggins if he wanted to go to the hospital. In shock and while crying due to his
10 severe injuries and pain, Mr. Wiggins begged DOES 1-5 to call an ambulance.

11 45. Eventually, Mr. Wiggins was taken to Riverside University Health
12 System Hospital by an ambulance. Due to severity of Mr. Wiggins' injuries, he had
13 to stay in the hospital from approximately December 22, 2023, to December 29,
14 2023. The doctors conducted a Ct-Scan and MRI of Mr. Wiggins' head and spine
15 and diagnosed him with head trauma, laceration, ICH, skull fracture, severe C4-C5
16 and moderate C5-C6 spinal canal stenosis, and right forehead abrasion. The doctors
17 also found that due to the fall, there was a C4-C6 disc height loss, and there was a
18 fracture involving the anterior superior corner of the C6 vertebral body/anterior
19 osteophyte with associated tear of the anterior longitudinal ligament. In addition to
20 the other injuries, Mr. Wiggins' MRI indicated a traumatic brain injury and brain
21 damage.

22 46. DOES 1-5 kept Mr. Wiggins in handcuffs the entire time Mr. Wiggins
23 was in the hospital bed.

24 47. Mr. Wiggins was prescribed various medications for his injuries and
25 was referred to a Neurologist for cervical fracture and seizures, to Physical Therapy
26 for cervical pain and balance problems, to sleep study for sleep apnea, and was
27 instructed to follow up with general surgery, vascular surgery, and neurosurgery.
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1 48. After Mr. Wiggins was released from Riverside University Health
2 System Hospital on December 29, 2023, he was admitted to Ballard Rehab Hospital
3 to receive physical therapy and continue treatment for his injuries. Mr. Wiggins'
4 neck and shoulder were in excruciating pain, his mobility was limited, he had to use
5 a walker for walking and a chair for taking shower. Mr. Wiggins was discharged
6 from Ballard Rehab Hospital on January 10, 2024. Mr. Wiggins had to stay in the
7 hospital and away from his family during the entire Holiday season.

8 49. Mr. Wiggins is in the process of receiving treatment for the movement
9 of the veins in his neck due to the fall. Mr. Wiggins was also informed by his doctors
10 that he might need back and/or neck surgery in the future. Mr. Wiggins' mobility
11 and daily activities have been impacted because of the injuries to his neck and
12 shoulder. Mr. Wiggins is still receiving outpatient rehabilitation treatments. Mr.
13 Wiggins still currently feels numbness in his right hand and left shoulder. Mr.
14 Wiggins' neck, shoulders and hands are still very weak. Mr. Wiggins' hands
15 become very tired and sometimes numb after holding his objects in his hand like a
16 mobile phone for a few minutes. Mr. Wiggins still needs a walker to assist him in
17 walking and uses a chair while taking showers to prevent him from falling.

18 50. As a result of the incident, Mr. Wiggins suffered serious injuries,
19 including but not limited to, head trauma, laceration, skull fracture, neck fracture,
20 possible cervical fracture, muscle spasm, hands numbness, brain injury, and balance
21 problem.

22 51. Prior to the incident, Mr. Wiggins was doing house chores, taking care
23 of his children, driving them to school, playing football with family and friends, and
24 was actively engaging in daily activities. Now, however, due to his severe injuries,
25 Mr. Wiggins is unable to drive his children to school, both because of the limitations
26 on his mobility and because he takes multiple medications for his pain which make
27 him drowsy and sleepy. Mr. Wiggins cannot play football anymore due to his
28 injuries and cannot engage in activities that require driving, walking for more than

1 a short period of time, exercising, and moving around.

2 52. Mr. Wiggins has also been experiencing depression and anxiety since
3 the incident. Mr. Wiggins used to be active, go out to dinner, shopping and going
4 to friends and family gatherings before the incident. Now, however, Mr. Wiggins
5 does not do the same activities anymore as he is scared of falling due to the
6 weakness in his body, he needs his wife to drive him to places, he takes multiple
7 muscle relaxers and other medications, which make him drowsy and tired, and has
8 difficulty with moving around. Mr. Wiggins lays in his bed or a couch most of the
9 time during the day and cannot engage in the same activities with his children and
10 wife as before. All of this has significantly affected Mr. Wiggins' depression,
11 anxiety and mental health.

12 53. Mr. Wiggins has also suffered economic loss. For the last 10 years
13 prior to the incident, Mr. Wiggins' job was operating forklifts, which is a job that
14 requires strength in hands, shoulders, neck, back, and also requires climbing, having
15 a proper balance, pushing, pulling, lifting and carrying. Mr. Wiggins was not
16 employed immediately prior to the incident but he was in a temporary agency
17 waiting to be assigned work. Due to his severe injuries from the fall, Mr. Wiggins
18 is now unable to secure employment as a forklift operator or any other employment.

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FIRST CAUSE OF ACTION

**Deliberate Indifference to Serious Medical Condition in Violation of
the Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983)**

54. Plaintiff repeats and re-alleges each and every allegation in the above paragraphs of this Complaint with the same force and effect as if fully set forth herein.

55. Defendants DOES 1-10 acted under color of state law within the course and scope of their duties to secure and manage Riverside County Sheriff's facilities when they and/or their agents placed Plaintiff on the top bunk despite his documented history of seizures.

56. Plaintiff had a right under the Fourteenth Amendment to the United States Constitution to be free from “cruel and unusual punishments,” including but not limited to: (i) the right to be free from correction official’s deliberate indifference to his serious medical needs, *Estelle v. Gamble*, 429 U.S. 97, 104 (1976), and (ii) the right to be free from conditions of confinement that are sure or very likely to cause serious harm or death. *Helling v. McKinney*, 509 U.S. 25, 33-34 (1993), *see also Gordon v. Cnty. of Orange*, 888 F.3d 1118, 1124-25 (9th Cir. 2018).

57. Defendants DOES 1-10 had actual and/or constructive knowledge of Plaintiff's history of seizures at the time he was in custody of Riverside County Sheriff's Department (RCSD) as upon his arrival at Larry D Smith Correctional Facility Banning, and multiple times thereafter, Plaintiff informed Defendants DOES 1-10, including the facility's medical personnel and correctional officers that he had a history of seizures and that if he was assigned to a top bunk bed, he could fall and suffer injuries.

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1 58. Defendant CHAD BIANCO knew or should have known that his
2 subordinates' failure to assign Plaintiff to a bottom bunk would amount to a
3 constitutional violation where he was put on notice that errors in housing had
4 resulted in death or serious bodily harm to inmates in jails under his control through
5 multiple reports and lawsuits where he was a defendant.

6 59. Defendants had constructive and/or actual knowledge that Plaintiff's
7 medical condition was serious and was one that reasonably and foreseeably could
8 result in severe bodily harm and/or death. Further, Defendants had actual and/or
9 constructive knowledge that when individuals experience seizures, they often lose
10 control over bodily movements.

11 60. Notwithstanding knowledge that Plaintiff's medical condition
12 warranted his placement on a bottom bunk, the Defendants assigned Mr. Wiggins
13 to a top bunk, where he could easily, and in fact did, suffer serious injuries from a
14 seizure related fall.

15 61. Additionally, once assigned to a cell at Larry D Smith Correctional
16 Facility Banning, Plaintiff informed unknown Defendants DOES 1-5 of his high
17 blood pressure condition, that he had a history of seizure, and that he needed his
18 seizure medications. After being prescribed with the seizure medication, however,
19 unknown Defendants DOES 1-5 intentionally did not give Plaintiff the correct
20 medication dosage at the proper times, even though Plaintiff informed unknown
21 Defendants DOES 1-5 that he had been taking his seizure medication for the last 20
22 years and that he was supposed to take three pills in the morning and three pills at
23 night. Unknown Defendants DOES 1-5, however, ignored Plaintiff's requests, did
24 not give him the pills in the morning and continued to give him six pills at night.

25 62. Defendants' above-mentioned conduct thereby constitutes deliberate
26 indifference to Plaintiff's serious medical condition and/or deliberate indifference
27 to conditions of confinement that were sure or very likely to cause death and/or
28 great bodily harm.

1 63. Defendants' deliberate indifference to Plaintiff's serious medical
2 needs and deliberate indifference to conditions of confinement likely to cause him
3 serious harm, were substantial factors causing Plaintiff serious harm. By failing to
4 act, SHERIFF BIANCO acquiesced, condoned, or ratified a custom, practice, or
5 policy of ongoing constitutional violations by his subordinates.

6 64. By Defendants' policies and practices of ongoing constitutional
7 violations, Defendants subjected inmates in County of Riverside's jails, including
8 Plaintiff, to an unreasonable risk of harm and injury from inadequate health care
9 and deliberate indifference to their serious medical condition. These policies and
10 practices have been and continue to be implemented by Defendants and their agents
11 and/or employees in their official capacities, and are the proximate cause of their
12 inmates, including Plaintiff's deprivation of rights secured by the United States
13 Constitution under the Eight Amendment.

14 65. The actions of Defendants were willful, wanton, oppressive,
15 malicious, and unconscionable to a person of normal sensibilities, and therefore
16 warrant the imposition of exemplary and punitive damages as to individual
17 Defendants.

18 66. Plaintiff seeks all available damages under this claim, including
19 reasonable attorney's fees.

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SECOND CAUSE OF ACTION
Municipal Liability for Unconstitutional Custom or Practice
(42 U.S.C. §1983)
(Against Defendant COUNTY)

67. Plaintiff repeats and re-alleges each and every allegation in the above paragraphs of this Complaint with the same force and effect as if fully set forth herein.

8 68. Based upon the principles set forth in *Monell v. New York City*
9 *Department of Social Services*, 436 U.S. 658 (1978), Defendant COUNTY is liable
10 for all injuries sustained by Plaintiff as set forth herein.

11 69. Defendant COUNTY bears liability because its policies, practices
12 and/or customs were a cause of Plaintiff's injuries. Defendant COUNTY and its
13 officials, including Defendant BIANCO, maintained or permitted one or more of
14 the following official policies or customs:

- a. Deliberate indifference to inmates' serious medical condition by failing to provide proper housing;
- b. Deliberate indifference to inmates' serious medical needs by failing to provide timely medical care;
- c. Deliberate indifference to inmates' serious medical needs by failing to keep proper medical records;
- d. Failure to provide adequate training and supervision to correctional officers with respect to constitutional limits on failure to provide adequate medical care and/or proper housing;
- e. Employing and retaining as correctional officers and other personnel, including Defendants Unknown DOES 1-5, whom Defendants COUNTY and BIANCO, and DOES 6-10 at all times material herein knew or reasonably should have known had dangerous propensities for abusing their authority and for

1 mistreating inmates by failing to follow written Riverside
2 County Sheriff's Department policies, including providing
3 proper housing and adequate medical care to inmates;

4 f. Of inadequately supervising, training, controlling, assigning,
5 and disciplining COUNTY correctional officers and other
6 personnel, including Defendants unknown DOES 1-5, whom
7 Defendants CHAD BIANCO, COUNTY and DOES 6-10 knew
8 or in the exercise of reasonable care should have known had the
9 aforementioned propensities and character traits, including the
10 propensity for violating inmates' constitutional rights, including
11 failure to provide adequate medical care and ensure inmates'
12 safety;

13 g. By maintaining grossly inadequate procedures for reporting,
14 supervising, investigating reviewing, disciplining and
15 controlling the intentional misconduct by Unknown Defendants
16 DOES 1-10, who are correctional officers, other personnel,
17 and/or agents of COUNTY;

18 h. By failing to meaningfully investigate and adequately discipline
19 Defendants unknown DOES 1-10 and/or other COUNTY
20 personnel, including but not limited to, failure to provide proper
21 housing and adequate medical care to inmates;

22 i. Obstructing misconduct investigations and falsifying reports to
23 avoid accountability;

24 j. By having and maintaining an unconstitutional policy, custom,
25 and practice of failure to provide adequate medical care to
26 inmates and safe housing environment, which also is
27 demonstrated by inadequate training regarding these
28 subjects. The policies, customs, and practices of Defendants

1 CHAD BIANCO, COUNTY and DOES 1-10 were maintained
2 with a deliberate indifference to individuals' safety and rights;

3 k. Condonation and encouragement of the officers in the belief that
4 they can violate the rights of persons such as Plaintiff with
5 impunity, and that such conduct will not adversely affect their
6 opportunities for promotion and other employment benefits,
7 and;

8 l. Ratification by the highest levels of authority of the specific
9 unconstitutional acts alleged in this complaint and, in particular,
10 the ratification of failure to provide adequate medical care to
11 Plaintiff and his injuries.

12 70. Defendants COUNTY, CHAD BIANCO, County of Riverside
13 Sheriffs' Department and DOES 1-10, together with other officials whether named
14 or unnamed, had constructive and actual knowledge of the deficient policies,
15 practices, and customs alleged in the above paragraphs. Despite having this
16 knowledge, defendants condoned, tolerated, and through actions and inactions
17 thereby ratified such customs and practices. These defendants acted with deliberate
18 indifference to the foreseeable effects and consequences of these customs and
19 practices with respect to the constitutional rights of Plaintiff.

20 71. By perpetrating, sanctioning, and tolerating the outrageous conduct
21 and wrongful acts, Defendants acted with intentional, reckless, and callous
22 disregard for the health and safety of Plaintiff and his constitutional rights.
23 Furthermore, these customs and practices were affirmatively linked to and were a
24 significantly causal force behind Plaintiff's injuries.

25 72. Plaintiff seeks all available damages under this claim, including
26 reasonable attorneys' fees.

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THIRD CAUSE OF ACTION

Violation of the Bane Civil Rights Act (Cal. Civ. Code § 52.1)
(Against All Defendants)

73. Plaintiff repeats and re-alleges each and every allegation in the above paragraphs of this Complaint with the same force and effect as if fully set forth herein.

74. The Bane Civil Rights Act provides a private right of action for damages against any person who “interferes,” or “attempts to interfere by threat, intimidation, or coercion,” with the exercise or enjoyment of a constitutional or other right under California or federal law. California Civ. Code § 52.1 subd. (b)–(c). Public entities are vicariously liable for Bane Act violations. *See* Gov. Code, § 815.2. The California Supreme Court explained that the Bane Act simply requires “an attempted or completed act of interference with a legal right, accompanied by a form of coercion.” *Jones v. Kmart Corp.*, 17 Cal.4th 329, 334 (1998). Many if not all violations of fundamental rights could be so framed. *Venegas v. County of Los Angeles*, 32 Cal.4th 820, 850 (2004) (Baxter, J., concurring).

75. Defendants BIANCO and DOES 1-10 are liable under California Government Code § 820(a) which states that: "a public employee is liable for injury caused by his act or omission to the same extent as a private person." At all times relevant to this action, Defendants were public employees acting within the course and scope of their employment as peace and/or correctional officers with Defendant COUNTY.

76. Defendants BIANCO and Supervisor DOES 6-10 had knowledge of the unconstitutional conditions in the jail, including the knowledge of the culpable actions of their subordinates. This knowledge, couple with inaction, constitutes acquiescence sufficient to show a supervisor personally played a role in the unconstitutional conduct. See Starr v. Baca 652 F. 3d 1202 (9th Cir. 2011).

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1 77. Defendant COUNTY OF RIVERSIDE is vicariously liable under the
2 doctrine of *respondent superior* and pursuant to California Government Code §
3 815.2(a), which provides that “a public entity is liable for injury proximately caused
4 by an act or omission of an employee of the public entity within the scope of his
5 employment if the act or omission would. . . have given rise to a cause of action
6 against that employee or his personal representative.” COUNTY employed
7 Defendants Officer DOES 1-5 as peace and/or correctional officers. Defendants
8 Officer DOES 1-5 were acting within the scope of their employment with
9 COUNTY when they committed the acts and omissions alleged herein. Courts have
10 held that deliberate indifference to an inmate’s medical needs satisfies the Bane
11 Act’s coercion requirement. (*M.H. v. County of Alameda* (N.D. Cal. 2013) 90
12 F.Supp.3d 889, 899.

13 78. The rights of Plaintiff which were interfered with by threats,
14 intimidation, and coercion by Defendants, include, but are not limited to:

- 15 a) the right to bodily integrity and protection from bodily harm (including
16 Cal. Civ. Code § 43);
- 17 b) the right to Due Process;
- 18 c) rights under the Eighth and Fourteenth Amendments to the United
19 States Constitution, including the right to be free from cruel and
20 unusual punishment;
- 21 d) rights under Article 1, Section 7, and/or 17 of the California
22 Constitution.

23 79. As alleged herein, Defendants DOES 1-5, used threats, intimidation,
24 coercion and violence to interfere with Plaintiff’s civil rights when:

- 25 a. Notwithstanding knowledge that Plaintiff’s medical condition
26 warranted his placement on a bottom bunk, the Defendants assigned
27 Mr. Wiggins to a top bunk, where he could easily, and in fact did,
28 suffer serious injuries from a seizure related fall; and

1 b. Defendants DOES 1-5 intentionally did not give Plaintiff the correct
2 medication dosage at the proper times, even though Plaintiff informed
3 unknown Defendants DOES 1-5 that he had been taking his seizure
4 medication for the last 20 years and that he was supposed to take three
5 pills in the morning and three pills at night. Unknown Defendants
6 DOES 1-5 ignored Plaintiff's requests, did not give him the pills in the
7 morning and continued to give him six pills at night.

8 80. As described above, Defendants' acts and omissions were done with
9 reckless disregard for Plaintiff's safety and well-being, and thus with reckless
10 disregard for his civil rights. Under controlling precedent, this reckless disregard
11 for Plaintiff's civil rights demonstrates Defendants' specific intent to deprive
12 Plaintiff of those rights.

13 **81. Plaintiff's Physical Damages:** As a proximate result of the
14 Defendants' actions described herein, Plaintiff suffered physical pain and injuries.
15 Mr. Wiggins suffered serious injuries, including but not limited to, head trauma,
16 laceration, skull fracture, neck fracture, possible cervical fracture, muscle spasm,
17 hands numbness, brain injury, and balance problem.

18 82. **Plaintiff's Emotional Distress Damages:** As a proximate result of the
19 Defendants' actions described herein; Plaintiff suffered severe emotional distress.
20 Mr. Wiggins has also been experiencing depression and anxiety since the incident.
21 Mr. Wiggins used to be active, go out to dinner, shopping and going to friends and
22 family gatherings before the incident. Now, however, Mr. Wiggins does not do the
23 same activities anymore as he is scared of falling due to the weakness in his body,
24 he needs his wife to drive him to places, he takes multiple muscle relaxers and other
25 medications, which make him drowsy and tired, and has difficulty with moving
26 around. Mr. Wiggins lays in his bed or a couch most of the time during the day and
27 cannot engage in the same activities with his children and wife as before. All of this
28 has significantly affected Mr. Wiggins' depression, anxiety and mental health.

1 Plaintiff has suffered, including, without limitation, depression, anxiety, shame,
2 guilt, nightmares, flashbacks, fatigue, trouble sleeping, anger, humiliation, fear,
3 sadness, and other forms of emotional distress.

4 **83. Plaintiff's Economic Damages:** Mr. Wiggins has also suffered
5 economic loss. For the last 10 years prior to the incident, Mr. Wiggins' job was
6 operating forklifts, which is a job that requires strength in hands, shoulders, neck,
7 back, and also requires climbing, having a proper balance, pushing, pulling, lifting
8 and carrying. Mr. Wiggins was not employed immediately prior to the incident but
9 he was in a temporary agency waiting to be assigned work. Due to his severe injuries
10 from the fall, Mr. Wiggins is now unable to secure employment as a forklift operator
11 or any other employment.

12 **84. Cal. Civ. Code §§ 52 and 52.1 Damages:** Pursuant to the Bane Act
13 (Cal. Civ. Code § 52.1©) Plaintiff is entitled to damages against each Defendant as
14 provided in Cal. Civ. Code § 52, including, without limitation:

- 15 a. “Actual damages” (i.e., special and general damages) as determined
16 by a jury (*Id.* § 52(a));
- 17 b. “Up to a maximum of three (3) times the amount of actual damages
18 but in no case less than four thousand dollars (\$4,000)” (*Id.* § 52(a));
- 19 c. Attorney’s fees as determined by the court (*Id.* § 52(a));
- 20 d. Exemplary damages (*Id.* § 52(b)(1)); and
- 21 e. Civil penalties of twenty-five thousand dollars (\$25,000) (*Id.* §
22 52(b)(2)).

23 **85. Punitive Damages Against Individual Defendants:** Defendants
24 DOES 1-5, and Supervisor DOES 6-10, by engaging in the aforementioned acts
25 and/or in authorizing and/or ratifying such acts, engaged in willful, malicious,
26 fraudulent, intentional, oppressive and despicable conduct, and acted with willful
27 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
28 justifying the award of punitive and exemplary damages in an amount to be

1 determined at trial.

2 **FOURTH CAUSE OF ACTION**

3 **Intentional Infliction of Emotional Distress**
4 **(Against All Defendants)**

5 86. Plaintiff repeats and re-alleges each and every allegation in the above
6 paragraphs of this Complaint with the same force and effect as if fully set
7 forth herein.

8 87. Plaintiff brings this cause of action against all Defendants.

9 88. Defendants DOES 1-5 are liable under California Government Code §
10 820(a) which states that: “a public employee is liable for injury caused by his act or
11 omission to the same extent as a private person.” At all times relevant to this action,
12 Defendants were public employees acting within the course and scope of their
13 employment as peace and/or correctional officers with Defendant COUNTY.

14 89. Defendants BIANCO and Supervisor DOES 6-10 had knowledge of
15 the unconstitutional conditions in the jail, including the knowledge of the culpable
16 actions of their subordinates. This knowledge, couple with inaction, constitutes
17 acquiescence sufficient to show a supervisor personally played a role in the
18 unconstitutional conduct. See Starr v. Baca 652 F. 3d 1202 (9th Cir. 2011).

19 90. Defendant COUNTY OF RIVERSIDE is vicariously liable under the
20 doctrine of respondent superior and pursuant to California Government Code §
21 815.2(a), which provides that “a public entity is liable for injury proximately caused
22 by an act or omission of an employee of the public entity within the scope of his
23 employment if the act or omission would. . . have given rise to a cause of action
24 against that employee or his personal representative.” COUNTY employed
25 Defendants DOES 1-5 as peace and/or correctional officers, and Supervisor DOES
26 6-10 as supervisory and managerial peace and/or correctional officers. Defendants
27 DOES 1-5 and Supervisor DOES 6-10 were acting within the scope of their
28 employment with COUNTY when they committed the acts and omissions alleged

1 herein.

2 91. Under this cause of action, Defendants' conduct must be "extreme and
3 outrageous" such that it "exceed[s] all bounds of that usually tolerated in a civilized
4 community." *Hughes v. Pair* (2009) 46 Cal. 4th 1035, 1050-1051.

5 92. As alleged herein, Defendants Officer DOES 1-5 engaged in extreme
6 and outrageous conduct when:

- 7 a. Notwithstanding knowledge that Plaintiff's medical condition
8 warranted his placement on a bottom bunk, the Defendants assigned
9 Mr. Wiggins to a top bunk, where he could easily, and in fact did,
10 suffer serious injuries from a seizure related fall; and
- 11 b. Defendants DOES 1-5 intentionally did not give Plaintiff the correct
12 medication dosage at the proper times, even though Plaintiff informed
13 unknown Defendants DOES 1-5 that he had been taking his seizure
14 medication for the last 20 years and that he was supposed to take three
15 pills in the morning and three pills at night. Unknown Defendants
16 DOES 1-5 ignored Plaintiff's requests, did not give him the pills in the
17 morning and continued to give him six pills at night.
- 18 c. The involved officers did not take reasonable actions to summon
19 medical care.

20 93. Under this cause of action, Defendants must act with the intent to cause
21 Plaintiff to suffer severe emotional distress, or with reckless disregard of the
22 probability of causing Plaintiff to suffer severe emotional distress. *Id.*

23 94. As alleged herein, Defendants DOES 1-5 acted with reckless disregard
24 that their conduct would cause Plaintiff severe emotional distress. Upon arrival at
25 the Larry D Smith Correctional Facility Banning, and multiple times thereafter,
26 Plaintiff informed the facility's medical personnel, correctional officers, and
27 unknown DOES 1-5, on several occasions, that he had a history of seizures, and
28 that if he was assigned to a top bunk bed, he could fall and suffer injuries. Although

1 Mr. Wiggins repeatedly requested to be assigned to a bottom bunk bed, and his
2 condition warranted his placement on a bottom bunk, unknown DOES 1-5 assigned
3 Mr. Wiggins to a top bunk, where he could easily, and in fact did, suffer serious
4 injuries from a seizure related fall. Additionally, once assigned to a cell at Larry D
5 Smith Correctional Facility Banning, Mr. Wiggins informed the correctional
6 officers and unknown DOES 1-5 of his high blood pressure condition and that he
7 needed his seizure medications. After being prescribed with the seizure medication,
8 however, the correctional officers and unknown DOES 1-5 intentionally did not
9 give Mr. Wiggins the correct medication dosage at the proper times, even though
10 Mr. Wiggins informed said officers that he had been taking his seizure medication
11 for the last 20 years and that he was supposed to take three pills in the morning and
12 three pills at night. The officers and unknown DOES 1-5, however, ignored Mr.
13 Wiggins' requests, did not give him the pills in the morning and continued to give
14 him six pills at night. Additionally, despite the severity of Mr. Wiggins' injuries
15 after falling from his assigned bunk bed, the correctional officers and unknown
16 DOES 1-5 did not promptly summon medical assistance or call an ambulance. Mr.
17 Wiggins falling in and out of consciousness, informed unknown DOES 1-5 that he
18 could not feel his head and neck. DOES 1-5 then yanked Mr. Wiggins on his
19 stomach, which caused Mr. Wiggins to scream in pain, while begging them to call
20 911. To add more insult to the injury, unknown DOES 1-10 kept Mr. Wiggins in
21 handcuffs the entire time Mr. Wiggins was in the hospital bed at the Riverside
22 County Health System Hospital. Defendants recklessly disregarded the probability
23 that their conduct would cause Plaintiff to suffer severe emotional distress.

24 **95. Plaintiff's Emotional Distress Damages:** As a proximate result of the
25 Defendants' actions described herein; Plaintiff suffered severe emotional distress.
26 Prior to the incident, Mr. Wiggins was doing house chores, taking care of his
27 children, driving them to school, playing football with family and friends, and was
28 actively engaging in daily activities. Now, however, due to his severe injuries, Mr.

1 Wiggins is unable to drive his children to school, both because of the limitations on
2 his mobility and because he takes multiple medications for his pain which make
3 him drowsy and sleepy. Mr. Wiggins cannot play football anymore due to his
4 injuries and cannot engage in activities that require driving, walking for more than
5 a short period of time, exercising, and moving around. Mr. Wiggins has also been
6 experiencing depression and anxiety since the incident. Mr. Wiggins used to be
7 active, go out to dinner, shopping and going to friends and family gatherings before
8 the incident. Now, however, Mr. Wiggins does not do the same activities anymore
9 as he is scared of falling due to the weakness in his body, he needs his wife to drive
10 him to places, he takes multiple muscle relaxers and other medications, which make
11 him drowsy and tired, and has difficulty with moving around. Mr. Wiggins lays in
12 his bed or a couch most of the time during the day and cannot engage in the same
13 activities with his children and wife as before. All of this has significantly affected
14 Mr. Wiggins' depression, anxiety and mental health.

15 96. Plaintiff seeks all available damages under this claim.

16 97. **Punitive Damages Against Individual Defendants:** Defendants
17 DOES 1-5 and Supervisor DOES 6-10, by engaging in the aforementioned acts
18 and/or in authorizing and/or ratifying such acts, engaged in willful, malicious,
19 fraudulent, intentional, oppressive and despicable conduct, and acted with willful
20 and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
21 justifying the award of punitive and exemplary damages in an amount to be
22 determined at trial.

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FIFTH CAUSE OF ACTION
NEGLIGENCE
(Against All Defendants)

98. Plaintiff repeats and re-alleges each and every allegation in the above paragraphs of this Complaint with the same force and effect as if fully set forth herein.

99. Defendants Officer DOES 1-5 are liable under California Government Code § 820(a) which states that: "a public employee is liable for injury caused by his act or omission to the same extent as a private person." At all times relevant to this action, Defendants were public employees acting within the course and scope of their employment as peace/correctional officers with Defendant COUNTY.

100. Defendants BIANCO and Supervisor DOES 6-10 had knowledge of the unconstitutional conditions in the jail, including the knowledge of the culpable actions of their subordinates. This knowledge, couple with inaction, constitutes acquiescence sufficient to show a supervisor personally played a role in the unconstitutional conduct. See Starr v. Baca 652 F. 3d 1202 (9th Cir. 2011).

101. Defendant COUNTY OF RIVERSIDE is vicariously liable under the doctrine of *respondent superior* and pursuant to California Government Code § 815.2(a), which provides that “a public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would. . . have given rise to a cause of action against that employee or his personal representative.” COUNTY employed Defendants Officer DOES 1-5 as peace/correctional officers, and Supervisor DOES 6-10 as supervisory and managerial peace/correctional officers. Defendants Officer DOES 1-5 and Supervisor DOES 6-10 were acting within the scope of their employment with COUNTY when they committed the acts and omissions alleged herein.

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1 102. Defendants DOES 1 – 10, owed a mandatory duty of care toward
2 Plaintiff and were required to use reasonable diligence to ensure that Plaintiff was
3 not harmed by Defendants' acts or omissions. Defendants' actions and omissions
4 were negligent or deliberately indifferent, including but not limited to:

5 a. negligently assigning Plaintiff to a top bunk despite knowledge of
6 Plaintiff's purported history of seizures;
7 b. not giving Plaintiff the correct medication dosage at the proper times,
8 even though Plaintiff informed unknown Defendants DOES 1-5 of his
9 correct medication dosage and the proper times to take it; and
10 c. negligence or deliberate indifference in failing to provide timely
11 medical care.

12 103. SHERIFF CHAD BIANCO remains answerable for the safekeeping of
13 the inmates in all Riverside County jails and is further responsible for matters
14 relating to the selection, supervision, promotion, training and discipline of Riverside
15 County jail staff, including the DOES 1-10. Defendant SHERIFF BIANCO was
16 negligent in implementing the decisions to assign Plaintiff to a top bunk and in
17 providing training or supervision to DOES 1 – 10.

18 104. **Plaintiff's Physical Damages:** As a proximate result of the
19 Defendants' actions described herein, Plaintiff suffered physical pain and injuries.
20 Mr. Wiggins suffered serious injuries, including but not limited to, head trauma,
21 laceration, skull fracture, neck fracture, possible cervical fracture, muscle spasm,
22 hands numbness, brain injury, and balance problem.

23 105. **Plaintiff's Emotional Distress Damages:** As a proximate result of the
24 Defendants' actions described herein; Plaintiff suffered severe emotional distress.
25 Mr. Wiggins has also been experiencing depression and anxiety since the incident.
26 Mr. Wiggins used to be active, go out to dinner, shopping and going to friends and
27 family gatherings before the incident. Now, however, Mr. Wiggins does not do the
28 same activities anymore as he is scared of falling due to the weakness in his body,

1 he needs his wife to drive him to places, he takes multiple muscle relaxers and other
2 medications, which make him drowsy and tired, and has difficulty with moving
3 around. Mr. Wiggins lays in his bed or a couch most of the time during the day and
4 cannot engage in the same activities with his children and wife as before. All of this
5 has significantly affected Mr. Wiggins' depression, anxiety and mental health.
6 Plaintiff has suffered, including, without limitation, depression, anxiety, shame,
7 guilt, nightmares, flashbacks, fatigue, trouble sleeping, anger, humiliation, fear,
8 sadness, and other forms of emotional distress.

9 **106. Plaintiff's Economic Damages:** Mr. Wiggins has also suffered
10 economic loss. For the last 10 years prior to the incident, Mr. Wiggins' job was
11 operating forklifts, which is a job that requires strength in hands, shoulders, neck,
12 back, and also requires climbing, having a proper balance, pushing, pulling, lifting
13 and carrying. Mr. Wiggins was not employed immediately prior to the incident but
14 he was in a temporary agency waiting to be assigned work. Due to his severe injuries
15 from the fall, Mr. Wiggins is now unable to secure employment as a forklift operator
16 or any other employment.

17 107. Plaintiff seeks all available damages under this claim.

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SIXTH CAUSE OF ACTION

Negligent Hiring/Supervision/ Retention/Training

(Against BIANCO and DOES 6-10)

108. Plaintiff repeats and re-alleges each and every allegation in the above paragraphs of this Complaint with the same force and effect as if fully set forth herein.

7 109. Defendants BIANCO and Supervisor DOES 6-10 are liable under
8 California Government Code § 820(a) which states that: “a public employee is
9 liable for injury caused by his act or omission to the same extent as a private
10 person.” At all times relevant to this action, Defendants were public employees
11 acting within the course and scope of their employment as supervisory
12 peace/correctional officers with Defendant COUNTY, responsible for supervising
13 and managing Defendants DOES 1-5.

14 110. Defendants BIANCO and Supervisor DOES 6-10 and COUNTY had
15 a mandatory duty to protect Plaintiff from the wrongful actions and/or criminal
16 and/or tortious conduct of Defendant COUNTY's employees, so as to avoid and/or
17 prevent the exposure of Plaintiff to an unreasonable risk of harm arising therefrom.

18 111. Defendants Supervisor DOES 6-10 had a duty to use reasonable care
19 in the hiring, training and supervision of their employees, including Defendants
20 DOES 1-5, and ensure that such employees were fit and competent to perform the
21 work for which they were hired. This includes, but is not limited to, taking
22 reasonable steps in hiring, screening, selecting, and supervising officers, as well as
23 taking reasonable steps to ensure that law enforcement personnel, including
24 supervisors, received comprehensive training on measures to protect detainees and
25 arrestees. This duty also includes, without limitation, training and supervising
26 officers:

27 a. Not to assign a detainee/inmate to a top bunk bed when the
28 detainee/inmate's medical history indicate a history of seizures;

- b. Not to ignore a detainee/inmate's requests to be assigned to a bottom bunk bed when the detainee/ inmate inform the correctional officers that he needs to be assigned to a top bunk bed because of their medical condition and history of seizures;
- c. Not to violate individuals' federal constitutional rights, state constitutional rights, and state statutory rights;
- d. To provide the detainees/inmates the correct medication dosage at the proper times,; and
- e. To provide timely medical care to detainees/inmates.

112. Defendants BIANCO and Supervisor DOES 6-10 negligently and/or recklessly breached their duty of care to Plaintiff by:

- a. Failing to carefully screen the individual Defendant DOES 1-5 as potential employees to ensure they could properly engage with detainees/inmates while respecting constitutional and statutory limits;
- b. Failing to provide proper training and supervision to the individual Defendant Deputies, including supervisory personnel, in the appropriate treatment and housing of inmates/detainees and what qualifies as cruel and unusual punishment in the context of deliberate indifference to individuals' medical condition and improper housing of inmates;
- c. Failing to provide proper training and supervision to the individual Defendant Deputies, including supervisory personnel, in the appropriate treatment of inmates/detainees and what qualifies as cruel and unusual punishment in the context of failure to provide timely medical care;
- d. Failing to provide proper training and supervision to the individual Defendant Deputies, including supervisory personnel, in the appropriate treatment of inmates/detainees and what qualifies as cruel

1 and unusual punishment in the context of mismanagement of
2 medications;

3 e. Failing to properly and adequately train and supervise the individual
4 Defendant Deputies on how to treat detainees/inmates when they are
5 in jail and in custody without discriminating against them or infringing
6 on their rights;

7 f. Failing to properly and adequately train the individual Defendant
8 Deputies on how to treat detainees/inmates without employing
9 intimidation, coercion, or intimidation;

10 g. Failing to take reasonable, adequate, and appropriate measures to
11 ensure that the individual Defendant Deputies were fit to supervise
12 detainees and inmates, like Plaintiff;

13 h. Failing to take reasonable and effective action to terminate or
14 discipline the individual Defendant Deputies for poor or improper
15 housing and treatment of detainees/inmates, deliberate indifference to
16 detainees/inmates' medical condition, failure to provide timely
17 medical care, and mismanagement of detainees/inmates' medication,
18 even when they had knowledge of detainees/inmates' serious medical
19 condition;

20 i. Employing and retaining the individual Defendant Deputies, whom
21 Defendants at all times material herein knew or reasonably should have
22 known had dangerous propensities for abusing their authority and for
23 mistreating detainees/inmates by failing to follow written policies,
24 including policies related to detainees/inmates' rights to be free from
25 cruel and unusual punishment, proper housing of detainees/inmates
26 who have medical condition and need accommodations, providing
27 timely medical care to detainees/inmates, and proper management of
28 detainees/inmates' medications;

- 1 j. Inadequately supervising, training, controlling, assigning, and
2 disciplining the individual Defendant Officers, whom Defendants
3 knew or in the exercise of reasonable care should have known had the
4 aforementioned propensities and character traits, including deliberate
5 or reckless indifference to inmates/detainees medical condition, failure
6 to provide timely medical care to detainees/inmates, reckless or
7 deliberate indifference to detainees/inmates' health and safety,
8 mismanagement of detainees/inmates' medications, and reckless or
9 deliberate indifference to detainees/inmates' pleas for proper housing,
10 due to their medical condition, in their control;
- 11 k. Maintaining grossly inadequate procedures for reporting, supervising,
12 investigating, reviewing, disciplining and controlling the intentional
13 misconduct by the individual Defendant Deputies, who are officers
14 and/or agents of COUNTY;
- 15 l. Failing to meaningfully investigate and adequately discipline the
16 individual Defendant Deputies, including but not limited to, for
17 instances and complaints of cruel and unusual punishment, deliberate
18 indifference to medical condition, poor or improper housing, failure to
19 provide adequate medical care, and negligence;
- 20 m. Ratifying the intentional misconduct of the individual Defendant
21 Deputies, who are officers and/or agents of COUNTY;
- 22 n. Having and maintaining an unconstitutional policy, custom, and
23 practice of subjecting individuals to cruel and unusual punishment,
24 including deliberate indifference to inmates/detainees' medical
25 condition, poor or improper housing, failure to provide medical care,
26 and mismanagement of medications, which also is demonstrated by
27 inadequate training regarding these subjects. The policies, customs,
28 and practices of DEFENDANTS were maintained with a deliberate

7 113. Defendants Supervisor DOES 6-10 and BIANCO knew their failure to
8 adequately train their staff made it highly predictable and foreseeable that its
9 employees and agents would engage in conduct (deliberate indifference to inmates'
10 medical condition, failure to provide timely medical care, mismanagement of
11 medications, and inflicting emotional distress) that would cause harm to members
12 of the public.

13 114. The negligence of Supervisor DOES 6-10 and Defendants BIANCO
14 and in supervising and training Defendants Officer DOES 1-5 was the direct,
15 proximate, and foreseeable cause of Plaintiff's harm. Had Defendants BIANCO and
16 Supervisor DOES 6-10 trained the individual Defendant Officers DOES 1-5
17 properly, they would have not subjected Plaintiff to cruel and unusual punishment,
18 would not have assigned Plaintiff to a top bunk bed when they knew or should have
19 known he had a history of seizures, which resulted in Plaintiff suffering serious
20 injuries from a seizure related fall, would not have failed to provide Plaintiff timely
21 medical care, would not have mismanaged his medications, and would not have
22 inflicted severe emotional distress on Plaintiff while he was in custody and under
23 their control.

24 **115. Plaintiff's Physical Damages:** As a proximate result of the
25 Defendants' actions described herein, Plaintiff suffered physical pain and injuries.
26 Mr. Wiggins suffered serious injuries, including but not limited to, head trauma,
27 laceration, skull fracture, neck fracture, possible cervical fracture, muscle spasm,
28 hands numbness, brain injury, and balance problem.

1 116. **Plaintiff's Emotional Distress Damages:** As a proximate result of the
2 Defendants' actions described herein; Plaintiff suffered severe emotional distress.
3 Mr. Wiggins has also been experiencing depression and anxiety since the incident.
4 Mr. Wiggins used to be active, go out to dinner, shopping and going to friends and
5 family gatherings before the incident. Now, however, Mr. Wiggins does not do the
6 same activities anymore as he is scared of falling due to the weakness in his body,
7 he needs his wife to drive him to places, he takes multiple muscle relaxers and other
8 medications, which make him drowsy and tired, and has difficulty with moving
9 around. Mr. Wiggins lays in his bed or a couch most of the time during the day and
10 cannot engage in the same activities with his children and wife as before. All of this
11 has significantly affected Mr. Wiggins' depression, anxiety and mental health.
12 Plaintiff has suffered, including, without limitation, depression, anxiety, shame,
13 guilt, nightmares, flashbacks, fatigue, trouble sleeping, anger, humiliation, fear,
14 sadness, and other forms of emotional distress.

15 117. **Plaintiff's Economic Damages:** Mr. Wiggins has also suffered
16 economic loss. For the last 10 years prior to the incident, Mr. Wiggins' job was
17 operating forklifts, which is a job that requires strength in hands, shoulders, neck,
18 back, and also requires climbing, having a proper balance, pushing, pulling, lifting
19 and carrying. Mr. Wiggins was not employed immediately prior to the incident but
20 he was in a temporary agency waiting to be assigned work. Due to his severe injuries
21 from the fall, Mr. Wiggins is now unable to secure employment as a forklift operator
22 or any other employment.

23 118. Plaintiffs seek all available damages under this claim.

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff AARON DEQUAN WIGGINS prays for judgment
3 against Defendants as follows:

4 1. Compensatory Damages, including, but not limited to economic and
5 non-economic damages in an amount according to proof;

6 2. For special damages according to proof;

7 3. For punitive/exemplary damages where allowed by law;

8 4. For equitable relief;

9 5. For prejudgment interest;

10 6. For costs of suit incurred herein;

11 7. For attorney's fees as allowed by law;

12 8. For civil penalties as allowed by law;

13 9. For such other and further relief as this Court deems just and proper,
14 and appropriate.

15 Date: November 12, 2024

16 **V. JAMES DESIMONE LAW**

17 18 By: 
19 20 V. JAMES DESIMONE, ESQ.
21 CARMEN SABATER, ESQ.
22 MELIKA AMINI, ESQ.

23 24 Attorneys for PLAINTIFF,
25 26 AARON WIGGINS
27 28

1 **DEMAND FOR JURY TRIAL**

2 PLAINTIFF hereby demands a trial by jury.

3

4 Date: November 12, 2024

V. JAMES DESIMONE LAW

5

6 By: 
V. JAMES DESIMONE, ESQ.
CARMEN SABATER, ESQ.
MELIKA AMINI, ESQ.

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10 Attorneys for PLAINTIFF,
11 AARON WIGGINS

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